

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
UNITED STATES OF AMERICA,

v.

ADRIAN BRADSHAW,

Defendant.
-----X**ORDER**

18 CR 77 (VB)

By motion dated December 14, 2020, defendant Adrian Bradshaw moves a second time for reconsideration of the Court's denial of his motion to reduce his term of imprisonment pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). (Doc. #58).

The Court has carefully reviewed its July 13, 2020, Memorandum Opinion and Order denying Bradshaw's original motion (Doc. #53), its August 10, 2020, Order denying Bradshaw's first motion for reconsideration (Doc. #57), the instant second motion for reconsideration, and the government's response thereto. (Doc. #59). Having done so, the Court concludes it did not overlook facts or precedent that might have altered its earlier decisions, because Bradshaw has not, in either his prior submissions or his most recent submission, demonstrated "extraordinary and compelling reasons" to warrant early termination of his sentence, taking into account the current public health crisis, his medical history, the seriousness of his criminal conduct, his prior criminal record, and the need for the sentence imposed to promote respect for the law, provide just punishment, and afford adequate deterrence. See 18 U.S.C. §3553(a).

Bradshaw seems to suggest that the only reason the Court previously denied his motion is that it accepted the government's representation that FCI Fairton has done a good job responding to and mitigating the virus's threat and caring for its inmates. FCI Fairton has done a good job in that respect, and there is no basis to conclude Bradshaw is at any less risk of contracting or developing serious complications from the virus if he were released. More importantly, FCI Fairton's response to the threat is not the sole or even principal reason why the Court denied Bradshaw's previous motions. The motions were denied because, as repeated herein, Bradshaw has not met the very high standards set by Congress for terminating a lawfully imposed prison sentence early.

Moreover, the Court emphatically rejects Bradshaw's assertion that he is not a danger to the community because he merely committed a violent crime against an individual whom he saw having sex with his girlfriend, rather than committing a crime against a bank or in a public place. In addition, Bradshaw is a twenty-nine year old man in general good health, except that he suffers from what is described in his medical records as "mild intermittent" asthma for which he has been prescribed an inhaler to be used as needed (rather than daily), and for which he is receiving regular treatment in prison. Those same medical records reflect that Bradshaw has been tested repeatedly for COVID-19, most recently on December 30, 2020, when he tested negative, and that he denied having any symptoms throughout December 2020.

Finally, the fact that Bradshaw continues to minimize the serious nature of the conduct underlying his conviction, and that he seems to be more concerned about the impact of his sentence on himself than he is about the impact of his behavior on the victim, is especially concerning to the Court, and demonstrates that Bradshaw has never fully accepted responsibility for his actions.

Bradshaw has not shown extraordinary and compelling reasons warranting his early release, and the Section 3553(a) factors all continue to cut strongly against such release. Therefore, the motion is DENIED.

Chambers will mail a copy of this Order to defendant at the following address:

Adrian Bradshaw
Reg. No. 79929-054
FCI Fairton
Federal Correctional Institution
P.O. Box 420
Fairton, NJ 08320

Dated: January 11, 2021
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge